IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3441 OF 2006
IN
INCOME TAX APPEAL LODGING NO.1920 OF 2006

The Commissioner of Income Tax-3. ..Appellant.
Vs.
M/s. Acrow India Ltd. ..Respondent.

Mr.P.S.Sahadevan for the Appellant.

Mr.Arun Sathe along with M.M.Vaidya for the Respondent.

CORAM : F.I. REBELLO & R.S. MOHITE, JJ.
DATED : 3RD DECEMBER,2007.

PC :

1. This is a Notice of Motion for condoning delay of 655 days in filing the aforesaid income tax appeal. On perusal of the affidavit in support of the Notice of motion, it is seen that after obtaining Chief CIT's approval on 2.12.2004 for filing the appeal, the file was sent to the Advocate and thereafter to the panel counsel for drafting the appeal memo. The draft copy of the appeal memo was received on 5.9.2006. In our opinion, the delay between 2.12.2004 and 5.9.2006 has not been properly explained. Hence, cause shown is not sufficient cause and therefore, Notice of Motion stands dismissed.

(R.S. MOHITE, J.) **(F.I. REBELLO, J.)**

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1. As the Notice of Motion for condonation of delay has been dismissed, appeal also stands dismissed. Refund of court fee as per rules. Certified copy expedited.

(R.S. MOHITE, J.) **(F.I. REBELLO, J.)**

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